

# **US District Court Civil Docket**

**U.S. District - California Northern  
(San Francisco)**

**3:02cv880**

**Avigen, Inc v. Research Corporation Technologies, Inc,**

**This case was retrieved from the court on Monday, April 03, 2006**

**Date Filed:** 02/21/2002

**Class Code:** ADRMOP, CLOSED, MEDTERM

**Assigned To:** Honorable Maxine M Chesney

**Closed:** No

**Referred To:**

**Statute:** 15:1126

**Nature of suit:** Patent (830)

**Jury Demand:** Both

**Cause:** Patent Infringement

**Demand Amount:** \$0

**Lead Docket:** None

**NOS Description:** Patent

**Other Docket:** None

**Jurisdiction:** Federal Question

Avigen, Inc A Delaware Corporation  
Plaintiff

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Defendant

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Research Corporation Technologies, Inc, A Delaware  
Corporation  
Other

Avigen, Inc A Delaware Corporation  
Other

02/21/2002	1	COMPLAINT summons issued; jury demand against Research Corporation Technologies,Inc., (Filing fee \$150 receipt number 3332064). Filed by Avigen,Inc.. (Ird, ) (Entered: 02/27/2002)
02/21/2002	2	ADR SCHEDULING ORDER: Case Management Statement due by 6/18/2002. Case Management Conference set for 6/25/2002 at 02:00 PM. (Ird, ) (Entered: 02/27/2002)
02/21/2002	--	Summons Issued as to Research Corporation Technologies,Inc., (Ird, ) (Entered: 02/27/2002)
02/28/2002	3	COMPLAINT against Research Corporation Technologies,Inc., ( Filing fee \$150 ). Filed by Avigen,Inc.. (Attachments: # 1 Exhibit Lease Agreement)(Mitchell, Brian) (Entered: 02/28/2002)
02/28/2002	4	First Declination to Proceed Before a U.S. Magistrate Judge by Avigen,Inc.. (Mitchell, Brian) (Entered: 02/28/2002)
03/05/2002	5	CLERK'S NOTICE OF IMPENDING REASSIGNMENT (cm, ) (Entered: 03/05/2002)
03/05/2002	6	ORDER REASSIGNING CASE. Case reassigned to Judge Maxine M. Chesney for all further proceedings. . Signed by Executive Committee on 3/5/02. (Ifc, ) (Entered: 03/05/2002)
03/05/2002	7	CERTIFICATE OF SERVICE by Avigen,Inc. re [1], [ ] (Ird, ) (Entered: 03/07/2002)
03/12/2002	8	ORDER TERMINATING APPLICATION OF ELECTRONIC CASE FILING PROGRAM TO ACTION. All further documents filed in the action shall be filed on paper rather than electronically. Signed by Judge Maxine M. Chesney on 3/12/02. (aaa, ) (Entered: 03/14/2002)
03/12/2002	9	CASE MANAGEMENT SCHEDULING ORDER: Case Management Conference set for 6/28/2002 at 10:30 AM.. Signed by Judge Maxine M. Chesney on 3/12/02. (aaa, ) (Entered: 03/14/2002)
03/14/2002	10	CERTIFICATE OF SERVICE by Avigen,Inc. re [8], [9] (aaa, ) (Entered: 03/19/2002)
03/15/2002	11	STIPULATION AND ORDER EXTENDING TIME FOR RESPONSE TO COMPLAINT. That defendant Research Corporation Technologies, Inc. has until 4/8/02 to answer or otherwise respond to the complaint filed by Avigen, Inc.. Signed by Judge Maxine M. Chesney on 3/15/02. (aaa, ) (Entered: 03/19/2002)
03/15/2002	12	ORDER EXTENDING TIME that defendant Research Corporation Technologies, Inc. will have until 4/8/02 to answer or otherwise respond to the complaint filed by Avigen, Inc. Signed by Judge Maxine M. Chesney on 3/15/02. (aaa, ) (Entered: 03/19/2002)
04/10/2002	13	STIPULATION AND ORDER EXTENDING TIME FOR RESPONSE TO COMPLAINT; that defendant Research Corporation Technologies, Inc. ("RCT") has until April 15,2002 to answer or otherwise respond to the complaint filed by Avigen, Inc. Signed by Judge Maxine M. Chesney on 4/10/02. (aaa, ) (Entered: 04/12/2002)

04/15/2002	14	MOTION to Dismiss for failure to state a claim upon which relief can be granted (FRCP 12(b)(6)); with Memorandum of Points and Authorities, MOTION to Strike (FRCP 12(f)) filed by Research Corporation Technologies,Inc., Motion Hearing set for 5/24/2002 09:00 AM. (aaa, ) (Entered: 04/17/2002)
04/15/2002	15	Request for Judicial Notice re [14] ; in support to motion to dismiss for failure to state a claim upon which relief can be granted (FRCP 12(b)(6)) and motion to strike (FRCP 12(f)) filed by Research Corporation Technologies,Inc.,. (Related document(s)[14]) (aaa, ) (Entered: 04/17/2002)
04/15/2002	16	CERTIFICATE OF SERVICE by Research Corporation Technologies,Inc., re [15], [14] (aaa, ) (Entered: 04/17/2002)
05/06/2002	17	STIPULATION AND ORDER: The hearing for defendant's Motion to Dismiss and to Strike, is RESET to 6/7/02 @ 9:00 a.m.. Signed by Judge Maxine M. Chesney on 5/6/02. (aaa, ) (Entered: 05/07/2002)
05/06/2002	--	Set/Reset Deadlines as to Motion [14]. Motion Hearing set for 6/7/2002 09:00 AM. (aaa, ) (Entered: 05/07/2002)
05/17/2002	18	Memorandum in Opposition re [14] ; to defendant's Motion to Dismiss and Motion to Strike filed by Avigen,Inc.. (aaa, ) (Entered: 05/17/2002)
05/17/2002	19	CERTIFICATE OF SERVICE by Avigen,Inc. re [18] (aaa, ) (Entered: 05/17/2002)
05/24/2002	20	MEMORANDUM in Support re [14] ; Motion to Dismiss for Failure to State a Claim Upon Which Relief Can Be Granted (F.R.C.P.12(b)(6)) and Motion to Strike (F.R.C.P.12(f))(Reply Memorandum) filed by Research Corporation Technologies,Inc.,. (Related document(s)[14]) (aaa, ) (Entered: 05/28/2002)
05/24/2002	21	Compendium of Non-California Authorities in Support of Research Corporation Technologies, Inc's Motion and Reply in Support of Motion to dismiss for Failure to State a claim Upon Which Relief Can Be Granted (F.R.C.P. 12(b)(6)) and Motion to Strike (F.R.C.P. 12(f) Remark (aaa, ) (Entered: 05/28/2002)
06/05/2002	22	ORDER GRANTING IN PART AND DENYING IN PART DEFENDANT'S MOTION TO DISMISS AND TO STRIKE; VACATING HEARING re [14], Motions [14] terminated. Defendant's motion to dismiss and to strike is GRANTED in part and DENIED in part as follows: 1. Plaintiff's Second Claim for Relief is hereby DISMISSED. 2. In all other respects, the motion is DENIED. Signed by Judge Maxine M. Chesney on 6/5/02. (aaa, ) (Entered: 06/06/2002)
06/11/2002	23	Letter dated 6/10/02; from Brian E. Mitchell re removal of Stephen Swinton from the service list for plaintiff in this matter. (aaa, ) (Entered: 06/12/2002)
06/20/2002	24	ANSWER to Complaint, COUNTERCLAIM against Avigen,Inc. by Research Corporation Technologies,Inc.,. (aaa, ) (Entered: 06/21/2002)
06/21/2002	25	JOINT CASE MANAGEMENT STATEMENT AND PROPOSED ORDER filed by Avigen,Inc., Research Corporation Technologies,Inc.,. (aaa, ) (Entered: 06/24/2002)
06/21/2002	26	DEMAND for Trial by Jury by Research Corporation Technologies,Inc.,. (aaa, ) (Entered: 06/24/2002)
06/28/2002	27	Minute Entry: Initial Case Management Conference held on 6/28/2002 before The Honorable Maxine M. Chesney. Order Prepared By Court; Discovery due by 8/18/2003. Referred to ADR for Mediation. Expert Witness List due by 9/8/2003. Plaintiff and Defendant to Name Experts by 90 days prior to Pretrial Conference; Rebuttal Experts 75 days prior to Pretrial Conference; Joint Case Management Conference Statement due by 8/18/2003. Jury Trial set for 11/3/2003 09:00 AM. Set for 12-15 days. Pretrial Conference set for 10/21/2003 03:00 PM. Further Case Management Conference CONTINUED for 8/22/2003 10:30 AM. Parties may submit stipulation to proceed before Private Mediator(Court Reporter None.) (aaa, ) (Entered: 07/01/2002)
06/28/2002	--	CASE REFERRED to Mediation. (aaa, ) (Entered: 07/01/2002)
07/01/2002	28	PRETRIAL PREPARATION ORDER Discovery due by 8/18/2003. Expert Witness List due by 9/8/2003. Designation of Experts: Plaintiff and Defendant: No later than 90 days prior to Pretrial Conference. Rebuttal Experts no later than 75 days prior to Pretrial Conference. Further Case Management Conference Statement due by 8/18/2003. Jury Trial set for 11/3/2003 09:00 AM. Trial Length estimated to be 12-15 days. Pretrial Conference set for 10/21/2003 03:00 PM. Lead Trial Counsel shall meet and confer no later than 9/8/03. Further Case Management Conference set for 8/22/2003 10:30 AM. Case referred to ADR Department for Mediation. Signed by Judge Maxine M.

		Chesney on 7/1/02. (aaa, ) (Entered: 07/02/2002)
07/08/2002	29	Response re [24] ; to defendant Research Corporation Technologies, Inc.'s Counterclaim by Avigen,Inc.. (aaa, ) (Entered: 07/09/2002)
08/05/2002	30	ADR CLERK'S NOTICE appointing Mediator, Roderick M. Thompson. (cmf, ) (Entered: 08/05/2002)
08/06/2002	31	Letter dated 8/5/02 re: availability to schedule the pre-session teleconference from Mediator Roderick M. Thompson. (cmf, ) (Entered: 08/06/2002)
09/12/2002	32	Letter dated 9/11/02 scheduling mediation session for 11/7/02 at 9:30 a.m. at Farella Braun & Martel from Mediator Roderick M. Thompson. (cmf, ) (Entered: 09/12/2002)
09/12/2002	--	Set/Reset Hearings: Mediation Hearing set for 11/7/2002 at 09:30 AM at Farella Braun & Martel located at 235 Montgomery St., 22nd Floor in San Francisco. Briefs up to ten (10) pages due on 10/31/2002. (cmf, ) (Entered: 09/12/2002)
10/28/2002	33	STIPULATION AND ORDER RE MEDIATION HEARING DATE. The earliest possible date on which the mediator, counsel and party representatives with authority could convene for the mediation was determined to be, and the parties hereby stipulate to have the mediation conducted on, November 7, 2002, even though that is after the generally observed 60-90 days post referral period. Signed by Judge Maxine M. Chesney on 10/28/02. (aaa, ) (Entered: 10/29/2002)
12/17/2002	34	Letter dated 12/16/02 re: scheduling a short conference call to set mediation date from Mediator, Roderick M. Thompson. (cmf, ) (Entered: 12/17/2002)
01/07/2003	35	Letter dated 1/6/03 scheduling mediation session for 2/12/03 at 9:30 a.m. from Mediator, Roderick M. Thompson. (cmf, ) (Entered: 01/07/2003)
01/07/2003	--	Set/Reset Hearings: Mediation Hearing set for 2/12/2003 at 09:30 AM at the mediator's office located at 235 Montgomery St., 22nd Floor in San Francisco. Briefs due 2/5/2003. (cmf, ) (Entered: 01/07/2003)
01/10/2003	36	STIPULATION AND ORDER RE MEDIATION HEARING DATE. The parties have agreed to proceed with the mediation on February 12, 2003, and hereby stipulate to appear with party representatives with authority on that date, even though that date falls after the generally observed 60-90 days post-referral period. Signed by Judge Maxine M. Chesney on 1/10/03. (aaa, ) (Entered: 01/14/2003)
02/12/2003	37	MOTION to Stay Litigation Pending Outcome of U.S. Patent and Trademark Office Reexamination Proceedings; Memorandum of Points and Authorities in Support Thereof; Notice of Motion; filed by Research Corporation Technologies, Inc.,. Motion Hearing set for 3/21/2003 09:00 AM. (aaa, ) (Entered: 02/13/2003)
02/20/2003	38	CERTIFICATION OF MEDIATION session held on 2/12/03, case fully settled, ADR process completed. Filed by Mediator, Roderick M. Thompson dated 2/12/03. (af, ) (Entered: 02/20/2003)
02/21/2003	39	ORDER DISMISSING CASE; ORDER OF DISMISSAL. IT IS HEREBY ORDERED that this cause be dismissed without prejudice. Signed by Judge Maxine M. Chesney on 2/21/03. (aaa, ) (Entered: 02/24/2003)
05/13/2003	40	STIPULATED DISMISSAL AND ORDER: The parties, desiring to settle this action and all asserted claims asserted herein, agree to a dismissal with prejudice all of the claims set forth in the complaint and counterclaim, except to the extent provided in the settlement terms sheet which is attached as Exhibit A, and incorporated by reference herein, and to waive any other claims that could have been brought in connection with the License Agreement, dated May 15, 1992, which is the subject of this lawsuit. PURSUANT TO STIPULATION, IT IS SO ORDERED. Signed by Judge Maxine M. Chesney on 5/13/03. (aaa, Court Staff) (Entered: 05/14/2003)

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**KEYCITE**

**US PAT 6261834 VECTOR FOR GENE THERAPY, Assignee: Research Corporation Technologies, Inc. (Jul 17, 2001)**

**History**

=> 1 **VECTOR FOR GENE THERAPY, US PAT 6261834, 2001 WL 804595 (U.S. PTO Utility Jul 17, 2001) (NO. 07/982193)**

**Patent Status Files**

- . Reissue Application Filed, (OG date: Oct 28, 2003)
- . Request for Re-Examination, (OG date: Mar 11, 2003)

**Prior Art**

C 4 US PAT 5139941 AAV TRANSDUCTION VECTORS, Assignee: University of Florida Research Foundation,, (U.S. PTO Utility 1992)  
C 5 US PAT 5173414 : PRODUCTION OF RECOMBINANT ADENO-ASSOCIATED VIRUS VECTORS, Assignee: Applied Immune Sciences, Inc., (U.S. PTO Utility 1992)  
C 6 US PAT 5252479 SAFE VECTOR FOR GENE THERAPY, Assignee: Research Corporation Technologies, Inc., (U.S. PTO Utility 1993)

A green C indicates that the patent has citing references.

## KEYCITE

**C**US PAT 6261834 VECTOR FOR GENE THERAPY, Assignee: Research Corporation Technologies, Inc. (Jul 17, 2001)

**Citing References****Positive Cases (Patents)**

1 2006 WL 187863 GROUP 1 CD1 TRANSGENIC MICE AND THEIR USES, (U.S. PTO Application Jan 26, 2006) (NO. 11/181234)

**Citing Applications**

2 US PAT APP 20060068496 DIFFERENTIATION OF STEM CELLS, Published Application Date: Mar 30, 2006

3 US PAT APP 20060063727 TR4/TR2 RESPONSE ELEMENTS, Published Application Date: Mar 23, 2006

4 US PAT APP 20060035810 REGULATION OF INS(3456)P4 SIGNALLING BY A REVERSIBLE KINASE PHOSPHATASE AND METHODS AND COMPOSITIONS RELATED THERETO, Published Application Date: Feb 16, 2006

5 US PAT APP 20060009406 VECTORS HAVING BOTH ISOFORMS OF BETA-HEXOSAMINIDASE, Published Application Date: Jan 12, 2006

6 US PAT APP 20050265995 TISSUE TARGETED COMPLEMENT MODULATORS, Published Application Date: Dec 01, 2005

7 US PAT APP 20050240006 MEMBERS OF THE FC RECEPTOR HOMOLOG GENE FAMILY (FCRH1-3, 6), RELATED REAGENTS, AND USES THEREOF, Published Application Date: Oct 27, 2005

8 US PAT APP 20050226879 METHODS AND COMPOSITIONS RELATED TO INHIBITING NUCLEAR ENVELOPE BREAKDOWN, Published Application Date: Oct 13, 2005

9 US PAT APP 20050112168 COMPOSITIONS AND METHODS INVOLVED IN BONE GROWTH, Published Application Date: May 26, 2005

10 US PAT APP 20050042747 HIVGP120-INDUCED BOB/GPR15 ACTIVATION, Published Application Date: Feb 24, 2005

11 US PAT APP 20040219163 HUMAN GLANDULAR KALLIKREIN (HK2)-SPECIFIC MONOCLONAL ANTIBODIES THAT ENHANCE OR INHIBIT THE ENZYMATIC ACTIVITY OF HK2, Published Application Date: Nov 04, 2004

12 US PAT APP 20040192630 VECTORS HAVING BOTH ISOFORMS OF BETA-HEXOSAMINIDASE AND USES OF THE SAME, Published Application Date: Sep 30, 2004

13 C US PAT APP 20040043003 CLINICAL GRADE VECTORS BASED ON NATURAL MICROFLORA FOR USE IN DELIVERING THERAPEUTIC COMPOSITIONS, Published Application Date: Mar 04, 2004

14 US PAT APP 20030235860 INTERACTIONS BETWEEN AR, ER, TR2, AND TR4, Published Application Date: Dec 25, 2003

15 US PAT APP 20030224993 COMPOSITIONS THAT INHIBIT PROLIFERATION OF CANCER CELLS, Published Application Date: Dec 04, 2003